



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 29 2004

Technology Center 2100

Applicants: Scott Lekuch et al.

Serial No.: 09/854,980

For: DIGITIZER COMPANION SUBSYSTEM TO EXTEND PC
BATTERY LIFE

Filed: May 14, 2001

Examiner: Chandrasekhar, P.

Art Unit: 2115

Confirmation No.: 9084

Customer No.: 27623

Attorney Docket No.: YOR920000701US1

RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in reply to the first Office Action dated April 22, 2004. Claims 1-32 are pending in the application. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-32 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,629,499 to Flickinger et al., hereafter Flickinger, in view of U.S Patent No. 6,678,831 to Mustafa et al., hereafter Mustafa.

Independent claims 1, 10, 18 and 26 are essentially for a first computing device that will monitor the power state of a second computing device. The first computing device will only send the second computing device information in a pattern determined by the power state of the second computer device based on an adaptive transfer policy

(claims 1 and 26) or a determined computing system state (claims 10 and 18).

This rejection is erroneous because the combination of Flickinger and Mustafa lacks one or more elements of independent claims 1, 10, 18 and 26. There is no teaching in Flickinger in any way as to why Flickinger's device would be coupled to another computing device and then transfer the information based on an adaptive policy or a determined computing system state. A need for such an adaptive transfer policy would not be obvious to one reading Flickinger because the Flickinger's device is essentially a self-contained unit that would not have any reason to be concerned about the state of another device.

Mustafa describes a single power managed computing system, similar to those that have been in existence for many years now. Mustafa teaches a single component within the system, such as the network controller, but does not teach that the single controller signals to another device what actual communication policy should be based on the system power state.

For example, the Examiner says specifically on page 5 of the Office Action that "The network controller and CPU together constitute of the second computing device. The first computing device is viewed as another computer connected to the network that transfers information to the CPU via the network controller. The adaptive transfer policy is dictated by the suspend mode of the system." However, Mustafa in no way describes any adaptive transfer policy, which is in contrast to the claimed invention. In the system described by Mustafa if communication with a first computing device is in progress, the second computing device will not enter a suspend state. Ironically, this achieves exactly the opposite effect from the claimed invention since by not shutting down the computer more power is consumed. In the Mustafa, as described by the Examiner, the "first computing device" (the other computer connected to the network) has no way of knowing what the power state of the "first computing device" is. Mustafa, therefore, does not describe an adaptive transfer policy based on the state of the system since the first computing device will always transmit at it's convenience. If the first computing device

is not in suspend mode it will respond, and if it in suspend mode it will not. But again it is important to note that the first computing device has absolutely no indication of the power state of the second system. It has no way of knowing if the system does not respond because it is a) off, b) in suspend, or c) hung up for some other reason.

In contrast, independent claims 1, 10, 18 and 26 are in fact the opposite of Mustafa. In the claimed "digitizer system", the external device (the digitizer) is able to monitor the state of the main computing system and adapt to it as necessary in order to save power. For example, Mustafa teaches an ongoing network communication that will consume more power because the external device will effectively prevent the system from going into suspend mode. In contrast, in the claimed invention, the external device will determine that the system would like to enter a low power mode and, therefore, will "back off" communication to enable it to do so as frequently as possible. The "adaptive" notion comes to play when the system has plenty of power and is not concerned about power use. In that case, the external device will be signaled that it should transfer information more frequently for a more rapid user response.

In summary, it would not be obvious to combine Flickinger and Mustafa because the teaching of Mustafa contradicts the objective of the claimed invention. Combining Flickinger and Mustafa would arrive at a system that consumes a lot of power because the Flickinger would frequently be keeping Mustafa from entering the suspend state (see Mustafa's column 4, lines 22-39). In contrast, in claimed invention would receive signals from the second computing device that would suggest how it should adapt its transfer policy, either with an aggressive policy for fast response but higher power consumption, or with a 'polite' policy that transfers less frequently but allows the system to sleep more often.


For the reason set forth above, it is submitted that the rejection of claims 1-32 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the rejection under 35 U.S.C. 103(a) be withdrawn, that claims 1-32 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: 7-22-04



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41



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MAIL STOP AMENDMENT
 COMMISSIONER FOR PATENTS
 P.O. BOX 1450
 ALEXANDRIA, VA 22313-1450

Dear Sir:

AMENDMENT TRANSMITTAL

We are enclosing an Amendment in response to the Office Action dated April 22, 2004 in the above-identified application.

Petition for extension of time pursuant to 37 C.F.R. §§ 1.136 and 1.137 is hereby made if, and to the extent, required. The fee for this extension of time is calculated to be \$_____ to extend the time for filing this response until _____.

The fee for any change in number of claims has been calculated as shown below.

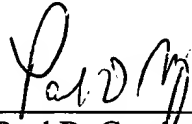
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	
Total Claims	32	Minus	32	0	x \$18.00	\$0
Independent Claims	4	Minus	4	0	x \$86.00	\$0
MULTIPLE DEPENDENT CLAIM FEE				x \$280.00 = \$		
TOTAL FEE FOR CLAIM CHANGES				PAID		

The total fee for this amendment, including claim changes and any extension of time is calculated to be \$_____.

XXX The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or during the entire pendency of the application, or credit any overpayment, to Deposit Account No. **50-0510**. A duplicate copy of this form is enclosed.

July 22, 2004

Date



Paul D. Greeley, Esq.

Attorney for Applicant(s)

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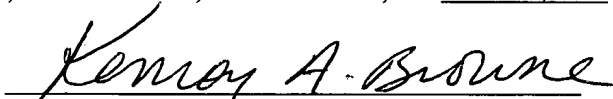
Telefax: (203) 327-6401

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313-1450, ON JULY 22, 2004

KENROY A. BROWNE

NAME



SIGNATURE

07/22/04

DATE